



HOMELESS PERSONS REPRESENTATION PROJECT, INC.

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SUPPORT – HB 36: Juvenile Proceedings – Fines, Fees, and Costs

House Judiciary Committee, January 16, 2020

Testimony of Akyra Brown, Homeless Persons Representation Project, Inc.

The Homeless Persons Representation Project, Inc. (HPRP) is a non-profit legal services provider that provides free legal representation to people who are homeless or at risk of homelessness on legal issues that will lead to an end to homelessness. HPRP's Homeless Youth Initiative serves unaccompanied homeless youth ages 24 and younger. HPRP strongly supports HB 36. The bill will reduce the financial burden of families who are already experiencing financial stress, and reduce the punitive damages that lead to recidivism in juvenile offenders.

Fines and fees create and reinforce a cycle of poverty that is extremely difficult, if not impossible, for juvenile offenders and their families to escape. As juvenile offenders are disproportionately from impoverished backgrounds, fines and fees compound the financial stress that their families are already experiencing. This added financial burden creates familial stress and causes the parents of juvenile offenders to have to choose between paying court fees or paying for everyday essentials such as rent, groceries, car payments, etc. This creates a cycle of poverty that causes the youth to be pressured to survive in an environment where there is a lack of job opportunities, quality education, access to mental health services, and medical services. When placed in an environment with little to no opportunities for meaningful socioeconomic advancement many juveniles turn to activities that are deemed criminal to help provide for themselves and their families. As put by the Department of Justice (DOJ), “When children and their families are unable to pay fines, and fees, the children often suffer escalating negative consequences from the justice system that may follow them well into adulthood.”¹ The cycle of poverty this causes leads to irreparable damage to communities, families, and individuals as evidenced by homelessness rates and recidivism rates for youth offenders.

Fines and fees are unnecessarily punitive, and offer no rehabilitative opportunities to juvenile offenders. There is little to no research or evidence which supports fines and fees leading to reduced rates of recidivism in youth offenders. Indeed, the DOJ observes that “... there is evidence that fines and fees increase the risk of recidivism.”² As fines and fees seems to have an inverse relationship with rates of recidivism there is no reason to continue with this practice. In 2011 the Anne E. Casey Foundation released a report entitled *No Place for Kids: The Case for Reducing Juvenile Incarceration*. This report found that “the overall body of recidivism evidence indicates plainly that confinement in youth corrections facilities doesn’t work well as a strategy to steer delinquent youth away from crime.”³ The fines and fees associated with juvenile offenders, as well as the resulting imprisonment both do not lead to rehabilitation and may influence recidivism. The solution to juvenile incarceration does not lie in fines and fees, or in incarceration. If we truly are to tackle the problem of juvenile incarceration we must focus on a rehabilitative approach that addresses the root causes of juvenile criminal behavior.

HPRP strongly urges the committee to issue a Favorable Report on HB 36.

Please contact Akyra Brown at abrown@hprplaw.org or 410-685-6589 ext. 15 for additional informati

¹ U.S. Department of Justice, Advisory for Recipients of Financial Assistance from the U.S. Department of Justice on Levying Fines and Fees on Juveniles, Jan. 2017, p. 1, available at <https://www.ojp.gov/about/ocr/pdfs/AdvisoryJuvFinesFees.pdf>.

² *Id.*

³ The Anne E. Casey Foundation, No Place for Kids: The Case for Reducing Juvenile Incarceration, Oct. 2011, p. 9, available at <https://www.aecf.org/m/resourcedoc/aecf-NoPlaceForKidsFullReport-2011.pdf>.